BILL NO. S-91-02- 30

SPECIAL ORDINANCE NO. S- 58-91

AN ORDINANCE approving the awarding of Reference #1449 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and **KELLEY CHEVROLET, INC.** for the Traffic Engineering Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #1449 between the City of Fort Wayne, by and through its Department of Purchasing and **KELLEY CHEVROLET, INC.** for the Traffic Engineering Department, respectfully for:

> **the purchase of a 1991 3/4 ton pick-up truck for the Traffic Engineering Department;**

involving a total cost of Thirteen Thousand Seven Hundred Thirty and 89/100 Dollars ($13,730.89), all as more particularly set forth in said Reference #1449 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay, City Attorney

REF. NO.:	1449
DEPT.:	TRAFFIC ENGINEERING
DATE:	2/18/91
ITEM/SERV.:	3/4 TON PICK-UP

PURCHASING INFORMATION

ADVERTISED BID:	YES
DATES ADVERTISED:	1/7/91 & 1/14/91
OPENING DATE:	1/31/91
WRITTEN QUOTE:	
DUE DATE:	
VERBAL QUOTE:	
SINGLE SOURCE:	
NO. OF VENDORS NOTIFIED:	8
NO. OF VENDORS RECEIVING BID:	4
NO. OF VENDORS RETURNING BID:	3
NO. OF VENDORS DISQUALIFIED:	1
NO. OF VENDORS NOT RESPONDING:	5
DATE SENT TO DEPT FOR RECOMM.:	1/31/91
DATE RECOMMENDATION REC'D IN PURCH:	2/14/91

COUNCIL INFORMATION	DATES SENT	EXTENSION DATES
DATE INFO SENT TO LAW DEPT.:	2/19/91	
INTRODUCTION DATE:	2/26/91	
DISCUSSION DATE:	3/5/91	
PASSAGE DATE:	3/12/91	
ORDINANCE NO.:		

REFERENCE NO. 1449
PICK-UP
TRAFFIC ENGINEERING
2/6/91

DESCRIPTION	DEHAVEN	ALLEN CO MTRS	KELLEY CHEVY
PRICE	*	$14,393.00	$14,961.47
TRADE IN		$75.00	$425.00
DISCOUNT		N/A	$805.58
TOTAL		$14,318.00	$13,730.89
MAKE		FORD F250	
MODEL		STYLESIDE	

*DISQUALIFIED - NON-COLLUSION NOT NOTARIZED

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 1-31-91 @ 11:00 AM BID REFERENCE # 1449

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR ONE (1) NEW 1991 MODEL 3/4 TON PICK-UP TRUCK PER SPECIFICATIONS

AND REQUESTED BY TRAFFIC ENGINEERING

THIS BID REQUIRES A XXXX 5% BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____% IF PAID WITHIN _____ DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME Kelley Chevrolet, Inc.

STREET ADDRESS 500 East State BLVD.

CITY Fort Wayne, In PHONE # 484-5566

BY James L. Kemler
REPRESENTATIVE SIGNATURE

FIREMAN'S FUND INSURANCE COMPANY
THE AMERICAN INSURANCE COMPANY
NATIONAL SURETY CORPORATION
ASSOCIATED INDEMNITY CORPORATION
AMERICAN AUTOMOBILE INSURANCE COMPANY

FIREMAN'S FUND INSURANCE COMPANIES

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, Kelley Chevrolet, Inc.
500 East State, Fort Wayne, IN 46805

as Principal, hereinafter called the Principal, and Fireman's Fund Insurance Company

a corporation duly organized under the laws of the State of California
as Surety, hereinafter called the Surety, are held and firmly bound unto City of Fort Wayne
City-County Building, Room 350
1 Main Street
Fort Wayne, IN

as Obligee, hereinafter called the Obligee, in the sum of Five Percent (5%) of Maximum Bid----------
----------Dollars ($----------

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Supplying 1-1991 Chevrolet 3/4 Ton Pickup

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 31st day of January A.D. 19 91

(Witness)

Kelley Chevrolet, Inc.
(Principal) (Seal)

By: [signature]
(Title)

(Witness)

Fireman's Fund Insurance Company
(Surety) (Seal)

By: [signature]
Jannett K. Yuhas
Attorney in fact

POWER OF ATTORNEY

FIREMAN'S FUND INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That FIREMAN'S FUND INSURANCE COMPANY, a Corporation duly organized and existing under the laws of the State of California, and having its principal office in the County of Marin, State of California, has made, constituted and appointed, and does by these presents make, constitute and appoint HARRY A. CRAWFORD, RONALD J. HARRUFF, LEONARD B. KOELLER, JAMES E. VAN DYCK, HAROLD E. EVERETT, DUWAN F. TAGTMEYER, JEFFREY C. JOHNSON, CONNIE S. OVERHOLSER, LORETTA A. SPRING, SUZANNE HOPPER, CARLA J. McQUEEN, VICKI L. LEININGER and JANNETT K. YUHAS FORT WAYNE, IN jointly or severally

its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, seal, acknowledge and deliver any and all bonds, undertaking, recognizances or other written obligations in the nature thereof ----------

and to bind the Corporation thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Corporation and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises.

This power of attorney is granted pursuant to Article VII, Sections 45 and 46 of By-laws of FIREMAN'S FUND INSURANCE COMPANY now in full force and effect.

"Article VII. *Appointment and Authority of Resident Secretaries, Attorney-in-Fact and Agents to accept Legal Process and Make Appearances.*

Section 45. *Appointment.* The Chairman of the Board of Directors, the President, any Vice-President or any other person authorized by the Board of Directors, the Chairman of the Board of Directors, the President or any Vice-President may, from time to time, appoint Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the Corporation and Agents to accept legal process and make appearances for and on behalf of the Corporation.

Section 46. *Authority.* The authority of such Resident Assistant Secretaries, Attorneys-in-Fact and Agents shall be as prescribed in the instrument evidencing their appointment. Any such appointment and all authority granted thereby may be revoked at any time by the Board of Directors or by any person empowered to make such appointment."

This power of attorney is signed and sealed under and by the authority of the following Resolution adopted by the Board of Directors of FIREMAN'S FUND INSURANCE COMPANY at a meeting duly called and held on the 7th day of August, 1984, and said Resolution has not been amended or repealed:

"RESOLVED, that the signature of any Vice-President, Assistant Secretary, and Resident Assistant Secretary of this Corporation, and the seal of this Corporation may be affixed or printed on any power of attorney, on any revocation of any power of attorney, or on any certificate relating thereto, by facsimile, and any power of attorney, any revocation of any power of attorney, or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Corporation."

IN WITNESS WHEREOF, FIREMAN'S FUND INSURANCE COMPANY has caused these presents to be signed by its Vice-President, and its corporate seal to be hereunto affixed this 25th day of August, 19 89.

FIREMAN'S FUND INSURANCE COMPANY

By _____
Vice-President

STATE OF CALIFORNIA
COUNTY OF MARIN } ss.

On this 25th day of August, 19 89, before me personally came R. D. Farnsworth, to me known, who, being by me duly sworn, did depose and say: that he is Vice-President of FIREMAN'S FUND INSURANCE COMPANY, the Corporation described in and which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation and that he signed his name thereto by like order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year herein first above written.

OFFICIAL SEAL
J. M. VANDEVORT
NOTARY PUBLIC - CALIFORNIA
Principal Office in Marin County
My Commission Expires Aug. 28, 1992

_____
Notary Public

CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF MARIN } ss.

I, the undersigned, Resident Assistant Secretary of FIREMAN'S FUND INSURANCE COMPANY, a CALIFORNIA Corporation, DO HEREBY CERTIFY that the foregoing and attached POWER OF ATTORNEY remains in full force and has not been revoked; and furthermore that Article VII, Sections 45 and 46 of the By-laws of the Corporation, and the Resolution of the Board of Directors; set forth in the Power of Attorney, are now in force.

Signed and sealed at the County of Marin. Dated the 31st day of January, 19 91.

_____
Resident Assistant Secretary

-6-89

SPECIFICATIONS FOR ONE (1) NEW 1991 MODEL 3/4 TON PICKUP TRUCK INCLUDING ALL STANDARD EQUIPMENT AS LISTED IN THE MANUFACTURER'S LITERATURE UNLESS SUPERSEDED BY ANY OF THE FOLLOWING SPECIFICATIONS LISTED HEREIN. ANY EXCEPTIONS TO THE SPECIFICATIONS OR WARRANTY MUST BE STATED:

			MEET SPECS
1.	YEAR:	1991	Yes
2.	GVW:	8500 LB	Yes
3.	PAYLOAD WEIGHT:	4265 LB	4111
4.	WHEELBASE:	130 INCHES	131.5
5.	BED:	8' LONG	Yes
6.	ENGINE:	ELECTRONIC FUEL-INJECTED GASOLINE, 5.0 LITER, V-8	Yes
7.	TRANSMISSION:	ELECTRONIC 4 SPEED, AUTOMATIC	Yes
8.	FRONT AXLE:	4200 LB	3600
9.	REAR AXLE:	6250 LB	6000
10.	ALTERNATOR:	75 AMP	Yes
11.	BATTERY:	MAINTENANCE FREE 84 AMP	Yes
12.	FUEL TANK:	18 GAL	34 GAL.
13.	SHOCKS:	HEAVY DUTY, GAS FILLED	
14.	STEERING:	POWER - WITH COOLER	Yes
15.	BRAKES:	POWER - FRONT DISK & REAR DRUM ANTI-LOCK	Yes
16.	TIRES:	ALL SEASON RADIAL LT235/85RX16E	LT 245/75R16E ST
17.	WHEELS:	6.0 K, 8-HOLE, STEEL	Yes
18.	AIR CONDITIONER:	FACTORY-INSTALLED	Yes
19.	COLOR:	EXTERIOR-WHITE; INTERIOR-DARK RED	Yes
20.	SEATS:	VINYL, BENCH	Yes
21.	RADIO:	AM/FM	Yes
22.	WINDOWS:	ALL TINTED GLASS	Yes
23.	MIRRORS:	RECREATIONAL, SWING OUT	Yes
24.	ENGINE COOLER:	HEAVY DUTY ENGINE COOLER	Yes
25.	TRANSMISSION COOLER:	TRANSMISSION COOLER	Yes

26. WIRING HARNESS:	TRAILER WIRING HARNESS	YES
27. FLASHER:	HEAVY DUTY TURN SIGNAL FLASHER	YES
28. STABILIZER BARS:	FRONT & REAR STABILIZER BARS	YES
29. REAR AXLE:	REAR AXLE RATIO 4:10 TO 1	YES
30. MANUALS:	TWO (2) SERVICE MANUALS AND TWO (2) PARTS BOOKS MUST BE SUPPLIED - NOT AVAIL	YES
31. WARRANTIES:	GIVE DESCRIPTION OF ALL WARRANTIES AND COMPONENT WARRANTIES AVAILABLE	3 YR 50,000 Bumper to Bumper
32. RUSTPROOFING:	THE FRAME, CHASSIS, FENDERS & BODY, ETC. EXCEPT FOR DRIVESHAFT SHALL BE COMPLETELY RUSTPROOFED. RUSTPROOFING MUST BE IN COMPLIANCE W/FEDERAL MILITARY SPECS. GSA SPC. FED-STD-297D. ENTIRE VEHICLE MUST BE RUSTPROOFED BY A COMMERCIALLY ACCEPTABLE PRACTICE W/WARRANTY INDICATED.	YES
33. TRADE-IN:	1976 FORD PICK-UP, TE UNIT #22019	
	FOB: FORT WAYNE	
	MAKE:	Chev
	MODEL:	C 2500
	COST PER TRUCK:	$14,961.47
	LESS TRADE-IN:	* $ 425.00
	LESS DISCOUNT:	$ 805.58
	TOTAL PER UNIT:	$ 13,730.89
	DELIVERY TIME ARO:	6-8 Weeks

TRADE IN

* 200.00 W/O. TOMMY GATE

* 425 WITH TOMMY GATE

Prescribed by the State Board of Accounts

Form No. 95 (Revised 1987)

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: 1-28-91

1. Governmental Unit: City of Fort Wayne
2. County: Allen
3. Bidder (Firm): Kelley Chevrolet, Inc.
   Address: 500 East State Blvd.
   City/State: Fort Wayne, IN 46805
4. Telephone Number: 219-484-5566
5. Agent of Bidder (If applicable): _____

Pursuant to notices given, the undersigned offers bid(s) to City of Ft. Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

Jane L. Moulin
Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount
	1		C2500 Pickup	$13,730.89	$13,730.89

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
Allen COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Kelley Chevrolet
Bidder (Firm)

Jane L. Moulin
Signature of Bidder or Agent

Subscribed and sworn to before me this 28th day of Jan, 1991.

My Commission Expires: 05/27/91

County of Residence: allen

Casey J. Jones
Notary Public

CASEY J. JONES
Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Date: _____

Contracting Authority Members:

_____ _____
_____ _____
_____ _____

Read the first time in full and on motion by Gia Quinta, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____.M.,E.S.T.

DATED: 2-26-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Gia Quinta, seconded by Redd, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BRADBURY	✓			
BURNS	✓			
EDMONDS				✓
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
REDD	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 3-12-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) (GENERAL) (SPECIAL) ~~(ZONING MAP)~~ ORDINANCE ~~RESOLUTION~~ NO. S-58-91 on the 12th day of March, 1991,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of March, 1991, at the hour of 1:30 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18th day of March, 1991, at the hour of 8:45 o'clock A.M.,E.S.T.

PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

S-91-02-30

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Ref. No. 1449 for the purchase of one (1) new 1991 3/4 pick-up for the Traffic Engineering Department. The cost reflects the lowest and most responsive of two (2) vendors.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: New 3/4 ton pick-up truck for TE unit.

IF REPLACEMENT, WHAT NECESSITATES: Body & floor rusted out, has over 70000 miles. Using as trade in on bid.

EFFECT OF NON-PASSAGE: Continued use of unsafe truck for Sign & Marking Division Operations.

PRIOR APPROVAL REQUESTED:

MONIES INVOLVED: Kelley Chevy $13,730.89

PRICE AGREEMENT:

PURCHASE ORDER: Yes

ACCOUNT INFORMATION: Traffic Eng 138-011-OFFC-4441

PRIOR APPROVAL: DATE:
(IF APPLICABLE)

BILL NO. S-91-02-30

REPORT OF THE COMMITTEE ON FINANCE

MARK E. GiaQUINTA, CHAIRMAN
DONALD J. SCHMIDT, VICE CHAIRMAN
BRADBURY, REDD, BURNS

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ approving the awarding of Reference #1449 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and KELLEY CHEVROLET, INC. for the Traffic Engineering Department

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~ XX

DO PASS	DO NOT PASS	ABSTAIN	NO REC

DATED: 3-12-91.

Sandra E. Kennedy
City Clerk